

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 9023

October 27, 2021

SUMMARY OF BILL: Prevents the Commissioner of the Department of Health (DOH) from requiring the immunization of children with a vaccine that has emergency use authorization from the federal Food and Drug Administration (FDA). Prevents a person, private business, state or local government official, entity, or agency from compelling proof of a COVID-19 vaccination by a person, employee, or consumer. Prohibits a state or local government official, entity, department, or agency from requiring proof of COVID-19 vaccination to enter the premises of a state or local government entity, or mandating a private business to require such proof.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 49-6-5001(b)(3), the Commissioner of the DOH is not authorized to designate COVID-19 vaccines or immunizations for children in any school, nursery, kindergarten, preschool, or child care facility.
- According to the FDA website, the only current vaccines with emergency use authorization are COVID-19 vaccines.
- The proposed legislation would not impact the policies or procedures of the DOH.
- The U.S. Supreme Court issued a ruling on February 20, 1905, *Jacobson v. Massachusetts*, upholding the right of states to compel vaccination.
- Each state decides which vaccines are required based on recommendations from the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP).
- Immunization or vaccination for COVID-19 is currently not required by any state or local governmental entity in Tennessee. Prohibiting any such future requirement will not result in a significant fiscal impact to the state or local government.
- The proposed legislation will not significantly impact any programs or policies of state or local governments; therefore, any fiscal impact is estimated to be not significant.
- If the proposed legislation prohibits a state or local entity or private business from following any future federal vaccination mandate, federal funding could be jeopardized.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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